

Policy Number: 1500
Policy Title: Use of E-Mail Among
Board Members
Date Adopted: October 28, 2015

Purpose

The purpose of this policy is to provide guidance for the members of the Board who use email so that they can comply with the open meeting requirements of the Virginia Freedom of Information Act, Virginia Code §§ 2.2-3700 through 2.2-3714 (hereinafter "VFOIA").

Policy

It is the policy of the CSB to comply with the VFOIA requirements. In order to carry out this policy, Board members shall comply with the following procedures:

1. Because Virginia law provides that a meeting occurs when three or more Board members assemble in person or by electronic means for the purpose of transacting the business of the CSB, and because Virginia law prohibits members of the Board from conducting a meeting by electronic means, no Board member shall conduct any contemporaneous exchange or transmission of e-mail messages between more than one other member of the Board at any one time.
2. Should any member of the Board think that information should be distributed by e-mail to more than one other member of the Board, then that Board member should send that information to the CSB staff and ask the staff to distribute the information via e-mail to other members of the Board. Members of the Board shall be cautious to avoid the contemporaneous exchange of such e-mails which could be interpreted as a possible violation of the VFOIA open meeting requirements or the VFOIA prohibition against conducting electronic meetings. For example, if the CSB staff sends an e-mail to more than two members of the CSB, then a Board member recipient should not send a "reply to all" response that will transmit an electronic transmission to more than one other member of the Board.
3. E-mail communications involving the business of the CSB are public records and those records shall be retained in accordance with Virginia law. Regulations presently applicable to e-mail require that such messages be retained for a period of three years. Records Retention Schedule, General Schedule 19 (Library of Virginia, July 3, 2003).

For that reason, each member of the Board shall retain for a period of three years all e-mail messages with attachments that are sent to or received from other members of the Board, the CSB staff, or members of the public regarding the public business of the CSB. Should a member of the Board not wish to retain such messages in his or her electronic library, then those messages should be forwarded to the Clerk to the CSB for retention and eventual disposition.

Approved



Secretary

October 28, 2015

Date

Policy Adopted: February 25, 2004

Policy Readopted: March 25, 2009

Policy Readopted: October 28, 2015

References:

- ◆ Opinion of the Virginia Attorney General to the Honorable Phillip Hamilton dated January 6, 1999
- ◆ Opinion of Maria Everett, Executive Director of the Virginia Freedom of Information Advisory Council to Ms. Bridgett Blair dated January 3, 2001